

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

THOMAS CROSBY

Criminal No. 22-13

**INDICTMENT MEMORANDUM**

AND NOW comes the United States of America, by its attorneys, Cindy K. Chung, United States Attorney for the Western District of Pennsylvania, and Brian W. Castello, Assistant United States Attorney for said District, and submits this Indictment Memorandum to the Court:

**I. THE INDICTMENT**

A federal grand jury returned a one-count Indictment against the above-named defendant for an alleged violation of federal law:

<b>Count</b>	<b>Offense</b>	<b>Title/Section</b>
One	Possession of child pornography	18 U.S.C. §§ 2252(a)(4)(B) and 2252(b)(2)
	On or about October 16, 2020	

**FILED**

**FEB 01 2022**

**II. ELEMENTS OF THE OFFENSE**

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**As to Count One:**

In order for the crime of Possession of Child Pornography, in violation of 18 U.S.C. §§ 2252(a)(4)(B) and 2252(b)(2), to be established, the Government must prove all of the following essential elements beyond a reasonable doubt:

1. That the defendant knowingly possessed one or more items that contained a visual depiction of a minor engaging in sexually explicit conduct.

Title 18, United States Code, Section 2252(a)(4)(B).

2. That the item that contained the visual depiction had been mailed, transported, or shipped in interstate commerce, or had been produced using materials that had been mailed or transported or shipped in interstate commerce.

Title 18, United States Code, Section 2252(a)(4)(B).

3. That the production of the visual depiction involved the use of a minor engaging in sexually explicit conduct, as those terms are defined in 18 U.S.C. § 2256.

Title 18, United States Code, Section 2252(a)(4)(B).

4. That the images involved prepubescent minors who have not attained 12 years of age.

Title 18, United States Code, Section 2252(a)(4)(B).

### III. PENALTIES

**As to Count One (Possession of Child Pornography (18 U.S.C. §§ 2252(a)(4)(B) and 2252(b)(2)):**

1. A term of imprisonment of not more than ten (10) years, but if any image of child pornography involved in the offense involved a prepubescent minor or a minor who had not attained 12 years of age, such person shall be imprisoned for not more than 20 years, or if such person has a prior conviction under this chapter, chapter 71, chapter 109A, or chapter 117, or under section 920 of title 10 (article 120 of the Uniform Code of Military Justice), or under the laws of any State relating to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography, such person shall be imprisoned for not less than 10 years nor more than 20 years.

2. A fine of not more than \$250,000.00. 18 U.S.C. § 3571(b)(3).

3. A term of supervised release of at least 5 years and up to life. 18 U.S.C. § 3583(k).

4. Any or all of the above.

**IV. MANDATORY SPECIAL ASSESSMENT**

A mandatory special assessment of \$100.00 must be imposed at each count upon which the defendant is convicted, pursuant to 18 U.S.C. § 3013(a)(2)(A).

An additional special assessment of \$5,000.00 must be imposed as the offense was committed after May 29, 2015 and the offense is located within Chapter 110 of Title 18, United States Code. 18 U.S.C. § 3014(a).

Further, pursuant to 18 U.S.C. § 2259A, an additional special assessment of not more than \$17,000.00 shall be assessed, as the offense was committed after December 7, 2018, and the offense is under § 2252(a)(4).

**V. RESTITUTION**

Restitution may be required in this case, together with any authorized penalty, as part of the defendant's sentence pursuant to 18 U.S.C. 3663, 3663A, 3664, and 2259. Pursuant to 18 U.S.C. 2259(b)(2)(B), the amount of restitution per victim shall not be less than \$3,000.00.

**VI. FORFEITURE**

As set forth in the Indictment, forfeiture may be applicable in this case.

Respectfully Submitted,  
CINDY K. CHUNG  
United States Attorney

/s/ Brian W. Castello  
Brian W. Castello  
Assistant United States Attorney  
PA ID No. 318609